number of states have enacted legislation for the conservation of their natural resources, which has been held constitutional. An Indiana statute prohibited the waste of gas or oil by escape from the well for more than two days after the gas or oil had been struck. *Ohio Oil Co.* v. *Indiana, supra.* A statute passed in New York for the preservation of mineral springs prohibited the pumping of mineral water to use in the manufacture of carbonic acid gas. *Lindsay* v. *Nat. Carbonic Gas Co.,* 220 U. S. 61. A California statute for the prevention of waste of artesian waters provided that an uncapped well was a nuisance. *Ex parte Elam,* 6 Cal. App. 233. A New Mexico statute to prevent the waste of artesian waters declared a well, flowing without restriction and with a waste of water, to be a nuisance, and provided for its abatement. *Eccles* v. *Ditto,* 23 N. M. 235. But see *Huber* v. *Merkel,* 117 Wis. 368. The Maine court considered valid a proposed statute for the prevention of freshets and droughts by the regulation and restriction of the cutting of young trees on wild lands, when no beneficial use was to be made of the trees or the land. *Opinion of the Justices,* 103 Me. 506. In the principal case the plaintiff contended that the statute deprived him of his property without due process of law. He showed that carbon could not be made without dissipation of the heat evolved, that no other use could be made of his plant and gas well. If, however, there is a proper police purpose, a reasonable relation between the means used and the accomplishment of that purpose, and a valid classification, the statute is a proper exercise of the police power of the state, even though it results in depriving the owner of all beneficial use of his property. The purpose of the statute in the principal case, the prevention of waste of natural gas, is within the police power of the state—the promotion of the general welfare and prosperity. *Ohio Oil Co.* v. *Indiana, supra.* The means chosen in this case are reasonable to accomplish such purpose. The inefficiency of the carbon black industry is very high. Preventing such wasteful methods conserves the gas supply. The statute is not unconstitutional as depriving the owner of his property without due process of law. The classification in the statute is made upon a reasonable basis, not arbitrarily. It excepts from its operation any gas well more than ten miles from a town or industry. The ground for such provision being that a well that distance from a town would not interfere with the supply of gas from which the town drew. A classification having some reasonable basis does not offend against the equal protection of the laws clause merely because it is not made with mathematical nicety. *Lindsey* v. *Carbonic Gas Co., supra.* Acts for the conservation of natural resources are within the purposes of the police power of the state and are most commendable. The statute here prevents the production of a commodity whose inevitable effect was to exhaust the gas supply shortly.

CONSTITUTIONAL LAW—DOWER NOT A "PRIVILEGE OR IMMUNITY" WITHIN THE CONSTITUTION.—A statute limited the right to dower in lands within the state in case of non-residents to lands of which the husband died seized. This was attacked as abridging the "privileges or immunities" of citizens,

but *held* constitutional. *Ferry* v. *Spokane, P. & S. Ry. Co. et al* (C. C. A., 9th Circ., 1920), 268 Fed. 117.

The decision here can be sustained upon the principle of public policy that the court reasonably assumes was the basis for the adoption of the statute in 1854. The pattern statute was passed in Michigan in 1846, which was first interpreted that the non-residence was to be at the time of husband's death. *Pratt* v. *Tefft*, 14 Mich. 191. It was later construed to be as at the time of conveyance. *Ligare* v. *Semple*, 32 Mich. 438. Wisconsin and Nebraska also adopted the Michigan statute and the later interpretation given it. *Ekegren* v. *Marcotte*, 159 Wis. 539; *Atkins* v. *Atkins*, 18 Neb. 474. In Kansas a similar statute specifically states that the non-residence is to be the time of death, § 2942. Now the states are knit closer together by means of rapid intercommunication, so that the difficulty of obtaining the wife's signature is greatly lessened. There will be cases of actual injustice, but it is better that the vendee should always get a clear title when he buys from one whose marital circumstances he cannot learn than that he should never be sure of his title until after the vendor's death the Statute of Limitations has run. "It is against public policy to allow restraints to be put upon transfers which public policy does not forbid." Also, it is a recognized principle of law that the disposition of unmovable property is exclusively subject to the government within whose jurisdiction the property is situated. *U. S.* v. *Fox*, 94 U. S. 315. The constitutionality has been questioned several times and the statutes always have been held good, and properly so for the reasons above pointed out. Not all of these are mentioned by the court, which relies largely upon citation of authority. The comment of the court upon part of the appellant's argument is, besides erroneous, very apt to be misleading as to the basis of the decision. The reason the law, by which a state imposes upon citizens of another state a tax upon their right of inheritance, which it does not impose upon its own citizens, is invalid, is that it conflicts with U. S. REV. ST., Sec. 1978. *In re Stanford's Estate*, 54 Pac. 259. It is not that the right of inheritance is more fundamental than the right of dower. The right of inheritance is not a natural and inherent right. *Dawson* v. *Godfrey*, 4 Cranch 321; *Knowlton* v. *Moore*, 178 U. S. 41; *Crane* v. *Reeder*, 21 Mich. 24. For other cases, see 9 L. R. A. (N. S.) 121. Nor is the right of dower a natural right, but it is founded on the law. *Randall* v. *Kreiger*, 23 Wall. 137. Other cases will be found cited in 9 R. C. L. 563. Thus, while both inheritance and dower are favored by the law, both are creatures of the law and stand on the same footing, so neither, as such, is "privileges or immunities" and protected by the constitution. The invalidity of the law concerning the inheritance tax was based upon statute. Thus, though the *dicta* of the case are wrong and confusing, the decision itself is correct.

CONSTITUTIONAL LAW—KANSAS ANTI-CIGARETTE LAW.—The act makes it unlawful to barter, sell or give away cigarettes or cigarette papers and also unlawful to keep them in a store or other place for barter, sale or free distribution. It provides that upon proper complaint there may be a search for and seizure and confiscation of such articles found. There is also a provision